

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

VIRTUE MEKHI OLIVER,

Plaintiff,

**ANSWER TO AMENDED
COMPLAINT**

-against-

20-cv-01877(AMD)(JMW)

YAPHANK SUFFOLK COUNTY JAIL, OFFICER
CORRECTIONAL PERSONNEL, OFFICER LAUREN-
BROOKS, CLAUDIO SILVA, JAY KAUFMAN, AND
SGT. JOHN URBANIK, and LT. HUNT,

JURY TRIAL DEMANDED

Defendants.

Defendants, Lauren Brooks, Claudia Silva, Jay Kaufman, John Urbanik and Lt. Hunt, by their attorney, Dennis M. Cohen, Suffolk County Attorney, by Arlene S. Zwilling, Assistant County Attorney, answering the plaintiff's Amended Complaint ("the complaint") herein, respectfully:

1. With respect to the section of the complaint entitled "Preliminary Statement", denies that plaintiff was given permission by the Court to file an amended complaint.

1. Denies each and every factual allegation contained within the sections of the complaint entitled "Background" and refers all questions of law to the Court.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

2. That the complaint fails to state a claim upon which relief can be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

3. That the COUNTY OF SUFFOLK is not, and may not be held, liable for the acts of the SUFFOLK COUNTY SHERIFF.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

4. That the damages sustained by plaintiff, if any, were caused by the plaintiff's own

culpable and/or negligent conduct.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

5. That the complaint fails to set forth facts sufficient to constitute a deprivation of any constitutional right or other basis for a civil rights claim.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

6. That no policy, statement, ordinance, regulation or decision officially adopted and/or promulgated by defendants or otherwise ratified by defendants authorized a deprivation of plaintiff's constitutional rights.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

7. That no custom or usage adopted, followed, endorsed or ratified by defendants authorized a deprivation of plaintiff's constitutional rights.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

8. That plaintiff has failed to comply with the statutory conditions precedent to commencement of an action against municipal defendants as set forth in the New York General Municipal Law.

AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE

9. That plaintiff's claims, if any, are barred in whole or in part by the statute of limitations.

AS AND FOR A NINTH AFFIRMATIVE DEFENSE

10. That defendants' actions, if any, were justified by the facts and circumstances presented.

AS AND FOR A TENTH AFFIRMATIVE DEFENSE

11. That the defendants, at all times complained of, acted reasonably and in good faith in the discharge of their official duties and responsibilities.

12. That defendants acted in what they did solely pursuant to their duties and responsibilities as law enforcement and/or prosecuting officials.

13. That defendants at all times acted in good faith in that they reasonably believed that they were exercising and acting within their statutory and constitutional powers.

14. That in performing such duties and responsibilities, defendants are and were protected by absolute and/or qualified Federal and/or State immunity.

AS AND FOR AN ELEVENTH AFFIRMATIVE DEFENSE

15. That this inmate claim is barred by the provisions of 42 USC §1997.

WHEREFORE, defendants demand judgment against the plaintiff dismissing the complaint, together with the costs and disbursements of this action, and such other and further relief as this Court deems just and proper.

Dated: Hauppauge, New York
January 28, 2022

Dennis M. Cohen
Suffolk County Attorney
Attorney for defendants
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By: /s/ Arlene S. Zwillig
Arlene S. Zwillig
Assistant County Attorney

To:

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